

PATENT

REMARKS:

At the time of the Final Office Action, claims 1, 4, 8-10, 12 and 14-20 were pending and considered. All claims stand rejected. Claims 1, 4, 8-10, 12 and 14-20 remain pending. Reconsideration and allowance are respectfully requested.

Claims 1, 4, 8, 9, 12 and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DE 297 022 78 (Chang et al) in view of FR 2 469 771 (Cheh) and further in view of US 3,854,784 (Hunt et al). Claims 10 and 14-17 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Chang et al. in view of Cheh and Hunt et al., and further in view of JP 11270212 (Sasaki). These rejections are traversed for at least the following reasons.

Once again, the Examiner has improperly presented an untranslated foreign reference (i.e., Cheh) as the basis for his rejections. The Applicants respectfully request that the Examiner provide a translation of Cheh if such reference is continued to be relied upon as support for a rejection of the instant claims (it is worth noting that, upon request, the Examiner previously provided English translations of Chang et al. and Sasaki). If the relied-upon document is in a language other than English, the M.P.E.P. mandates that "a translation must be obtained so that the record is clear as to the precise facts the Examiner is relying upon in support of the rejection".

M.P.E.P. § 706.02 (emphasis added). Moreover, the Board of Patent Appeals and Interferences has stated that "[i]f a translation is not provided by the Examiner, the Applicant may wish to consider seeking supervisory relief by way of a petition (37 C.F.R. § 1.181) to have the Examiner directed to obtain and supply a translation." *Ex parte Jones*, 62 U.S.P.Q.2d 1206, 1208-09 (PTO Bd. App. 2001) (unpublished) (emphasis added). The Applicants respectfully assert that the Examiner cannot solely rely on the figures (or an English abstract if one is available) to determine exactly what is or is not shown and taught be a foreign reference.

In any event, without agreeing with the Examiner as to what is or is not taught by the cited references, the following observations are made. The Examiner is reminded that claims 1, 12 and 19 were previously amended to recite that the follower is configured to be freely movable in an unbiased state within a slot in the drawer from one end of the slot to an opposite end of the

PATENT

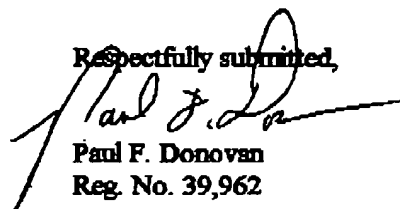
slot, and a portal in the latch or track component is configured to receive the follower regardless of the position of the follower within the slot as the drawer is inserted into the pocket. Contrary to the claimed invention, the portal of Cheh (see, e.g., FIG. 4) seems to provide an entrance area that is not configured to receive a pin regardless of the position of the pin. Accordingly, for at least this reason, the claims appear to be patentable over the proposed combination of references.

It is further noted that since Cheh is in a foreign language, there is no discernable discussion regarding how the member (28) functions or how it cooperates with the associated structure. Meaning, there is no basis for the Examiner to opine that the member (28) is freely movable in an unbiased state because there is no English language translation available to support or refute his opinion. The illustrations simply do not clearly convey how the member (28) is intended to function. For example, what is the member (28) attached to? All that is observed is a circular dot shown in FIGS. 2 and 3. This cannot be said to clearly explain the operation of the member (28). Without a clear explanation, the Examiner cannot positively state what is or is not taught by Cheh. Accordingly, if the Examiner continues to reject any of the claims in view of Cheh, it is respectfully requested that the Examiner provide a translation thereof so that the applicants have an opportunity to fully review and understand the cited reference before having to file an appeal or pursue other costly prosecution options.

No new matter has been added by way of the amendments and remarks made herein. Reconsideration and allowance of all the remaining pending claims are respectfully requested. In the event that there are any issues that can be expeditiously handled by telephone conference, the Examiner is invited to telephone the undersigned at the number provided below.

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Respectfully submitted,



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